

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

DAMIAN SMITH-BIRGE,

Defendant

Docket No. 3:21-CR- 388

(Judge )

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

18 U.S.C. § 875(c)

(Interstate Threatening Communication)

FILED  
SCRANTON

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PER

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On or about November 18, 2021, in the Middle District of  
Pennsylvania and elsewhere, the defendant,

**DAMIAN SMITH-BIRGE,**

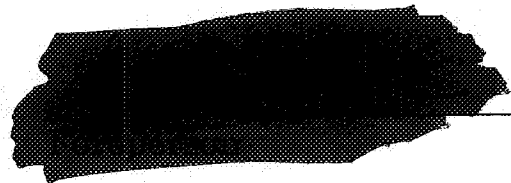
knowingly and willfully did transmit in interstate commerce from the  
State of Missouri to the Commonwealth of Pennsylvania, cellular phone  
communications to the Pennsylvania State Police, Stroudsburg  
Barracks, containing a threat to injure law enforcement, specifically,  
“...I’m sure you guys have gotten a lot of calls given your phone number  
was busy but that unarmed child that had his hands up in the air that

was shot by you guys, that's gonna get you full retribution for your lives..." "In fact you can tell them, that the phone number I didn't try to hide at all whatsoever, the person that owns that phone number is officially declaring war, I'm done. The State Police, the Federal government, all that shit man. Fuck this. The FBI already knows who the fuck I am, I got a case number. You stupid mother fuckers man. Full retribution. The best part about that word is it doesn't even constitute terroristic threatening. So have fun with it."

All in violation of Title 18, United States Code, Section 875(c).

A TRUE BILL

JOHN C. GURGANUS  
United States Attorney



Jenny P. Roberts  
JENNY P. ROBERTS  
Assistant United States Attorney

12-14-21  
Date